

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) No. 3:07-MJ-107
ERNEST DEREK REAGAN,) No: 3:07-CR-98
Defendant.) (Phillips/Shirley)

ORDER

On September 14, 2007, the Honorable C. Clifford Shirley, United States Magistrate Judge, filed an eight-page Report and Recommendation ("R&R") [Doc. 27] in which he recommended that defendant's motion to dismiss [Doc. 13] be denied. Alternatively, Judge Shirley recommended that should the court order dismissal, such dismissal should be without prejudice. No objections have been filed by the parties. After a careful review of this matter, the court is in complete agreement with the magistrate judge's recommendation that defendant's motion to dismiss be denied. The court therefore **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1). It is **ORDERED**, for the reasons stated in the R&R, which the court adopts and incorporates into its ruling, that the defendant's motion to dismiss is **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge